

EXHIBIT A

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5 San Jose, CA 95110-2712
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7 Attorneys for Plaintiff
VERIGY US, INC.

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 VERIGY US, INC, a Delaware Corporation

13 Plaintiff,

14 vs.

15 ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
16 TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
17 California Limited Liability Corporation,
18 inclusive,

19 Defendants.
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Case No. C07 04330 RMW (HRL)

**PLAINTIFF'S FIRST SET OF REQUESTS
FOR PRODUCTION TO DEFENDANT
SILICON TEST SYSTEMS, INC., SET ONE**

Judge: Honorable Ronald M. Whyte
Cttrn: 6

Complaint Filed: August 22, 2007
Trial Date: None Set

1 **PROPOUNDING PARTY:** **Plaintiff VERIGY US, INC.**

2 **RESPONDING PARTY:** **Defendant SILICON TEST SYSTEMS, INC.**

3 **SET NUMBER:** **ONE (1)**

4 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's
5 August 24, 2007 Order, Plaintiff Verigy US, Inc. ("VERIGY") hereby demands that on August 31,
6 2007, at the offices of VERIGY's attorneys of record, Bergeson, LLP, located at 303 Almaden
7 Blvd., Suite 500, San Jose, California 95110, defendant Silicon Test Systems, Inc. ("STS")
8 produce for inspection and photocopying the originals, or, if the originals are unavailable, copies
9 of the documents and materials described in this First Set of Requests for Production, which
10 documents and materials are in the possession, custody and control of STS or any of its present or
11 former officers, directors, employees, agents, or representatives, including, but not limited to, its
12 attorneys.

13 **DEFINITIONS**

14 1. "ANY" as used herein shall mean any and all.

15 2. "COMMUNICATIONS" as used herein shall mean ANY DOCUMENT, oral
16 statement, meeting, or conference, formal or informal, at ANY time or place, and under ANY
17 circumstances whatsoever, whereby information of ANY nature was stated, written, recorded, or
18 in ANY manner transmitted or transferred.

19 3. "DOCUMENT" or "DOCUMENTS" as used herein shall mean all handwritten,
20 printed, graphic, typed, electronically recorded, sound recorded, or computer readable materials,
21 or other recorded or graphic matter of every type and description, however and by whomever
22 prepared, produced, reproduced, disseminated, assimilated, or made in any form that is or was in
23 YOUR actual or constructive possession, custody, or control, whether the original, draft, carbon,
24 photographic, or other copy, reproduction, or facsimile thereof, including, but not limited to, any
25 and all documents as that term is defined in Rule 34 of the Federal Rules of Civil Procedure,
26 records, files, writings, letters, minutes, correspondence, advertisements, publications, mailgrams,
27 telegrams, electronic mail, bulletins, instructions, resolutions, charts, literature, work assignments,
28 reports, brochures, memoranda, notations of telephone or personal conversations or conferences,

1 telephone messages, transcripts, price lists, contracts, agreements, checks, canceled checks,
2 interoffice communications, calendars, daytimers, diaries, logs, notes, notebooks, ledgers, cards,
3 drafts, microfilm, microfiche, circulars, pamphlets, studies, notices, summaries, reports, books,
4 invoices, graphs, diagrams, photographs, data sheets, data compilations, computer data sheets,
5 computer data compilations, computer disks, computer printouts, worksheets, records, statistics,
6 speeches, and any other writings, tapes, sound records, or data compilations from which
7 information can be obtained or can be translated through detection devices into reasonably useable
8 form, and any other document, recording, tangible thing, or photograph. The term
9 "DOCUMENT(S)" shall also mean each copy which is not identical to the original, or to any other
10 identified copy, and all drafts and notes (whether typed, handwritten, or otherwise) made or
11 prepared in connection with such DOCUMENTS, whether used or not.

12 4. "REFER OR RELATE TO" or "REFERRING OR RELATING TO" as used herein
13 shall mean ANY documents which comprise, explicitly or implicitly, refer to, were reviewed in
14 conjunction with, or were generated as a result of or in connection with, the subject of the request.

15 5. "PERSON" or "PERSONS" as used herein shall mean and include natural persons,
16 governmental entities and agencies, proprietorships, partnerships, corporations, and all other forms
17 of organization or association.

18 6. "YOU," "YOUR," or "STS" as used herein shall refer to defendant Silicon Test
19 Systems, Inc., and the past and present employees, attorneys, agents, officers, directors, and
20 shareholders of STS, and ANY predecessor or successor in interest of STS.

21 7. "VERIGY" as used herein shall refer to plaintiff Verigy US, Inc., and the past and
22 present employees, attorneys, agents, officers, directors, and shareholders of VERIGY, and ANY
23 predecessor or successor in interest of VERIGY, including but not limited to Agilent
24 Technologies, Inc. and the Hewlett Packard Company.

25 8. The singular shall be deemed to include the plural and vice-versa so as to bring
26 within the scope of this request all DOCUMENTS which might otherwise be construed to be
27 outside its scope.

28 9. The term "IDENTIFY" or "IDENTIFIED" as used herein shall mean to establish

the identity of, and/or to ascertain the origin, nature, or definitive characteristics of.

10. The singular and masculine gender shall mean also the plural and feminine or neuter, as may be appropriate; the conjunctive includes the disjunctive, and the disjunctive includes the conjunctive; and "each," "any" or "all" includes each and every.

INSTRUCTIONS

1. When producing the DOCUMENTS, designate which DOCUMENTS are being produced in response to each of the following requests, and if a request contains sub-categories, designate which DOCUMENTS are being produced in response to each sub-category.

2. If YOU withhold under claim of privilege DOCUMENTS which are responsive to this DOCUMENT request, please provide the following information as to each withheld DOCUMENT:

- (a) The subject of the DOCUMENT;
- (b) The title, heading, or caption of the DOCUMENT, if any;
- (c) The identifying number(s), letter(s), or combination thereof, if any, and the significance or meaning of such number(s), letter(s) or combination thereof;
- (d) The date appearing on the DOCUMENT, or if no date appears thereon, the date or approximate date on which the DOCUMENT was prepared;
- (e) The general nature or description of the DOCUMENT (*i.e.*, whether it is a letter, memorandum, minutes of a meeting, etc.) and the number of pages of which it consists;
- (f) The identity of the PERSON who signed the DOCUMENT, and, if it was not signed, the identity of each PERSON who prepared it;
- (g) The identity of each PERSON to whom the DOCUMENT was addressed or sent, and the identity of each PERSON to whom a copy thereof was sent; and
- (h) The identity of each PERSON who has custody of either the original or a copy of each such DOCUMENT.

3. YOU are requested to produce all responsive DOCUMENTS in YOUR actual or constructive possession or under YOUR control or in the actual or constructive possession or

1 control of YOUR attorneys, employees, or agents, which were created during, or which refer or
2 relate, to the relevant time period of this request.

3 4. A DOCUMENT shall be deemed to be in YOUR "control" if YOU have the right
4 to secure the DOCUMENT or a copy thereof from another PERSON having possession or custody
5 thereof.

6 5. If a DOCUMENT is responsive to a request for production and is in YOUR
7 control, but is not in YOUR possession or custody, YOU are requested to identify the PERSON
8 with possession or custody.

9 6. If ANY such DOCUMENT was at ANY time in YOUR possession, custody, or
10 control, but is no longer in such possession, custody, or control, state whether such DOCUMENT
11 is missing, lost, destroyed, discarded, or has been transferred, voluntarily or involuntarily, to ANY
12 other PERSON or otherwise disposed of; describe the circumstances surrounding, and
13 authorization given, if ANY, for such disposition; and identify the PERSON or PERSONS
14 responsible for such disposition and the PERSON or PERSONS to whom such DOCUMENT was
15 transferred, if ANY.

16 7. All DOCUMENTS shall be produced in the order and in the manner that they were
17 or are kept in the ordinary course of business and shall be reproduced in their original file folders,
18 binders, or other covers or containers, unless that is not possible. ANY DOCUMENTS which
19 must be removed from their original folders, binders, or covers or containers in order to be
20 produced shall be identified in a manner so as to clearly specify where such DOCUMENTS
21 originated.

22 8. If a DOCUMENT cannot be produced in full, YOU are required to produce it to the
23 extent possible, and specify what is being withheld and the reason it is being withheld.

24 9. The obligation to produce the DOCUMENTS requested herein is of a continuing
25 nature; if, at any time after compliance, YOU should acquire possession, custody, or control of
26 any additional DOCUMENTS coming within the scope of any of the individual categories of the
27 REQUEST, YOU are requested to furnish such DOCUMENTS to the attorneys for VERIGY.
28

REQUESTS FOR PRODUCTION

1
2
3
4 1. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
5 that contain the word "Agilent," including but not limited to the document properties of the
6 DOCUMENT.

7 2. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
8 that contain the word "Verigy," including but not limited to the document properties of the
9 DOCUMENT.

10 3. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
11 that contain the words "Hewlett Packard," including but not limited to the document properties of
12 the DOCUMENT.

13 4. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
14 that contain the word "HP," including but not limited to the document properties of the
15 DOCUMENT.

16 5. All DOCUMENTS created, copied or modified by YOU prior to September 22,
17 2006 REFERRING OR RELATING TO memory testing.

18 6. All COMMUNICATIONS between YOU and any third parties prior to September
19 22, 2006 related to memory testing.

20 7. All COMMUNICATIONS between YOU and Robert Pochowski.

21 8. All COMMUNICATIONS between YOU and WESLEY MAYDER REFERRING
22 OR RELATING TO Silicon Test Solutions, LLC and/or Silicon Test Systems, Inc.

23 9. All COMMUNICATIONS between YOU and Honeywell International.

24 10. All COMMUNICATIONS between YOU and Verigy's existing or potential
25 customers, clients or suppliers with whom YOU came into contact, or whose identities were
26 learned, solely as a result of employment with VERIGY.

27 11. All COMMUNICATIONS between YOU and Spansion.

28 12. All COMMUNICATIONS between YOU and Intel.

1 13. All COMMUNICATIONS between YOU and Micron.

2 14. All COMMUNICATIONS between YOU and Sandisk.

3 15. Datasheets for all products listed on the website www.silicontests.com.

4 16. All DOCUMENTS REFERRING OR RELATING TO the Picaso ASIC (aka
5 "Picasso ASIC").

6 17. A bit for bit copy (in machine readable form) of all hard drives of all computers,
7 including, but not limited to, desktop computers, laptop computers, USB memory devices, PDAs,
8 and other memory storage devices that have been or are currently used by YOU.

9 18. All DOCUMENTS REFERRING OR RELATING TO the conception, reduction to
10 practice and development of the Picaso (aka Picasso) ASIC.

11 19. All DOCUMENTS REFERRING OR RELATING TO U.S. Provisional Patent
12 Application Serial No. 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed
13 September 28, 2006.

14 20. All DOCUMENTS REFERRING OR RELATING TO the conception, reduction to
15 practice and development of the invention described in U.S. Provisional Patent Application Serial
16 No. 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed September 28,
17 2006.

18 21. All DOCUMENTS REFERRING OR RELATING TO patent applications or
19 provisional patent applications claiming priority to U.S. Provisional Patent Application Serial No.
20 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed September 28, 2006. All
21 COMMUNICATIONS between YOU and DANIEL.

22 22. All provisional patent applications filed with the United States Patent and
23 Trademark Office ("USPTO") after May 1, 2006 listing YOU as an inventor.

24 23. All COMMUNICATIONS between YOU and the USPTO REFERRING OR
25 RELATING TO provisional patent applications filed with the USPTO after May 1, 2006 listing
26 YOU as an inventor.

27 24. All DOCUMENTS YOU downloaded from ANY VERIGY computer
28 REFERRING OR RELATING to VERIGY'S operations and products.

//

25. All DOCUMENTS REFERRING OR RELATING to ANY of YOUR technology,
future technology, potential technology, or technology under development by YOU.

Dated: August 24, 2007

BERGESON, LLP

By: 

Melinda M. Morton
Attorneys for Plaintiff
VERIGY US, INC.

EXHIBIT B

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dbergeson@be-law.com

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MELINDA M. MORTON, Bar No. 209373
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San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

Attorneys for Plaintiff
VERIGY US, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC, a Delaware Corporation
Plaintiff,

vs.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California Corporation;
and SILICON TEST SOLUTIONS, LLC, a
California Limited Liability Corporation,
inclusive,

Defendants.

Case No. C07 04330 RMW (HRL)

**PLAINTIFF'S FIRST SET OF REQUESTS
FOR PRODUCTION TO DEFENDANT
ROMI MAYDER, SET ONE.**

Judge: Honorable Ronald M. Whyte
Ctmm: 6

Complaint Filed: August 22, 2007
Trial Date: None Set

PROPOUNDING PARTY: Plaintiff VERIGY US, INC.

RESPONDING PARTY: Defendant ROMI MAYDER

SET NUMBER: ONE (1)

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Court's August 24, 2007 Order, Plaintiff Verigy US, Inc. ("VERIGY") hereby demands that on August 31, 2007, at the offices of VERIGY's attorneys of record, Bergeson, LLP, located at 303 Almaden Blvd., Suite 500, San Jose, California 95110, defendant Romi Mayder ("MAYDER") produce for inspection and photocopying the originals, or, if the originals are unavailable, copies of the documents and materials described in this First Set of Requests for Production, which documents and materials are in the possession, custody and control of MAYDER or any of its present or former officers, directors, employees, agents, or representatives, including, but not limited to, its attorneys.

DEFINITIONS

1. "ANY" as used herein shall mean any and all.
2. "COMMUNICATIONS" as used herein shall mean ANY DOCUMENT, oral statement, meeting, or conference, formal or informal, at ANY time or place, and under ANY circumstances whatsoever, whereby information of ANY nature was stated, written, recorded, or in ANY manner transmitted or transferred.
3. "DOCUMENT" or "DOCUMENTS" as used herein shall mean all handwritten, printed, graphic, typed, electronically recorded, sound recorded, or computer readable materials, or other recorded or graphic matter of every type and description, however and by whomever prepared, produced, reproduced, disseminated, assimilated, or made in any form that is or was in YOUR actual or constructive possession, custody, or control, whether the original, draft, carbon, photographic, or other copy, reproduction, or facsimile thereof, including, but not limited to, any and all documents as that term is defined in Rule 34 of the Federal Rules of Civil Procedure, records, files, writings, letters, minutes, correspondence, advertisements, publications, mailgrams, telegrams, electronic mail, bulletins, instructions, resolutions, charts, literature, work assignments, reports, brochures, memoranda, notations of telephone or personal conversations or conferences,

1 telephone messages, transcripts, price lists, contracts, agreements, checks, canceled checks,
2 interoffice communications, calendars, daytimers, diaries, logs, notes, notebooks, ledgers, cards,
3 drafts, microfilm, microfiche, circulars, pamphlets, studies, notices, summaries, reports, books,
4 invoices, graphs, diagrams, photographs, data sheets, data compilations, computer data sheets,
5 computer data compilations, computer disks, computer printouts, worksheets, records, statistics,
6 speeches, and any other writings, tapes, sound records, or data compilations from which
7 information can be obtained or can be translated through detection devices into reasonably useable
8 form, and any other document, recording, tangible thing, or photograph. The term
9 "DOCUMENT(S)" shall also mean each copy which is not identical to the original, or to any other
10 identified copy, and all drafts and notes (whether typed, handwritten, or otherwise) made or
11 prepared in connection with such DOCUMENTS, whether used or not.

12 4. "REFER OR RELATE TO" or "REFERRING OR RELATING TO" as used herein
13 shall mean ANY documents which comprise, explicitly or implicitly, refer to, were reviewed in
14 conjunction with, or were generated as a result of or in connection with, the subject of the request.

15 5. "PERSON" or "PERSONS" as used herein shall mean and include natural persons,
16 governmental entities and agencies, proprietorships, partnerships, corporations, and all other forms
17 of organization or association.

18 6. "YOU," "YOUR," or "MAYDER" as used herein shall refer to defendant Romi
19 Mayder, and the past and present attorneys, agents,.

20 7. "VERIGY" as used herein shall refer to plaintiff Verigy US, Inc., and the past and
21 present employees, attorneys, agents, officers, directors, and shareholders of VERIGY, and ANY
22 predecessor or successor in interest of VERIGY, including but not limited to Agilent
23 Technologies, Inc. and the Hewlett Packard Company.

24 8. The singular shall be deemed to include the plural and vice-versa so as to bring
25 within the scope of this request all DOCUMENTS which might otherwise be construed to be
26 outside its scope.

27 9. The term "IDENTIFY" or "IDENTIFIED" as used herein shall mean to establish
28 the identity of, and/or to ascertain the origin, nature, or definitive characteristics of.

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INSTRUCTIONS

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- (c) The identifying number(s), letter(s), or combination thereof, if any, and the significance or meaning of such number(s), letter(s) or combination thereof;
- (d) The date appearing on the DOCUMENT, or if no date appears thereon, the date or approximate date on which the DOCUMENT was prepared;
- (e) The general nature or description of the DOCUMENT (*i.e.*, whether it is a letter, memorandum, minutes of a meeting, etc.) and the number of pages of which it consists;
- (f) The identity of the PERSON who signed the DOCUMENT, and, if it was not signed, the identity of each PERSON who prepared it;
- (g) The identity of each PERSON to whom the DOCUMENT was addressed or sent, and the identity of each PERSON to whom a copy thereof was sent; and
- (h) The identity of each PERSON who has custody of either the original or a copy of each such DOCUMENT.

3. YOU are requested to produce all responsive DOCUMENTS in YOUR actual or constructive possession or under YOUR control or in the actual or constructive possession or control of YOUR attorneys, employees, or agents, which were created during, or which refer or relate, to the relevant time period of this request.

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2 to secure the DOCUMENT or a copy thereof from another PERSON having possession or custody
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4 5. If a DOCUMENT is responsive to a request for production and is in YOUR
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6 with possession or custody.

7 6. If ANY such DOCUMENT was at ANY time in YOUR possession, custody, or
8 control, but is no longer in such possession, custody, or control, state whether such DOCUMENT
9 is missing, lost, destroyed, discarded, or has been transferred, voluntarily or involuntarily, to ANY
10 other PERSON or otherwise disposed of; describe the circumstances surrounding, and
11 authorization given, if ANY, for such disposition; and identify the PERSON or PERSONS
12 responsible for such disposition and the PERSON or PERSONS to whom such DOCUMENT was
13 transferred, if ANY.

14 7. All DOCUMENTS shall be produced in the order and in the manner that they were
15 or are kept in the ordinary course of business and shall be reproduced in their original file folders,
16 binders, or other covers or containers, unless that is not possible. ANY DOCUMENTS which
17 must be removed from their original folders, binders, or covers or containers in order to be
18 produced shall be identified in a manner so as to clearly specify where such DOCUMENTS
19 originated.

20 8. If a DOCUMENT cannot be produced in full, YOU are required to produce it to the
21 extent possible, and specify what is being withheld and the reason it is being withheld.

22 9. The obligation to produce the DOCUMENTS requested herein is of a continuing
23 nature; if, at any time after compliance, YOU should acquire possession, custody, or control of
24 any additional DOCUMENTS coming within the scope of any of the individual categories of the
25 REQUEST, YOU are requested to furnish such DOCUMENTS to the attorneys for VERIGY.
26
27
28

REQUESTS FOR PRODUCTION

1
2 1. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
3 that contain the word "Agilent," including but not limited to the document properties of the
4 DOCUMENT.

5 2. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
6 that contain the word "Verigy," including but not limited to the document properties of the
7 DOCUMENT.

8 3. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
9 that contain the words "Hewlett Packard," including but not limited to the document properties of
10 the DOCUMENT.

11 4. All DOCUMENTS on any computer that has been, or is currently, in use by YOU
12 that contain the word "HP," including but not limited to the document properties of the
13 DOCUMENT.

14 5. All DOCUMENTS created, copied or modified by YOU prior to September 22,
15 2006 REFERRING OR RELATING TO memory testing.

16 6. All COMMUNICATIONS between YOU and any third parties prior to September
17 22, 2006 related to memory testing.

18 7. All COMMUNICATIONS between YOU and Robert Pochowski.

19 8. All COMMUNICATIONS between YOU and WESLEY MAYDER REFERRING
20 OR RELATING TO Silicon Test Solutions, LLC and/or Silicon Test Systems, Inc.

21 9. All COMMUNICATIONS between YOU and Honeywell International.

22 10. All COMMUNICATIONS between YOU and Verigy's existing or potential
23 customers, clients or suppliers with whom YOU came into contact, or whose identities were
24 learned, solely as a result of employment with VERIGY.

25 11. All COMMUNICATIONS between YOU and Spansion.

26 12. All COMMUNICATIONS between YOU and Intel.

27 13. All COMMUNICATIONS between YOU and Micron.

28 14. All COMMUNICATIONS between YOU and Sandisk.

1 15. Datasheets for all products listed on the website www.silicontests.com.

2 16. All DOCUMENTS REFERRING OR RELATING TO the Picaso ASIC (aka
3 "Picasso ASIC").

4 17. A bit for bit copy (in machine readable form) of all hard drives of all computers,
5 including, but not limited to, desktop computers, laptop computers, USB memory devices, PDAs,
6 and other memory storage devices that have been or are currently used by YOU.

7 18. All DOCUMENTS REFERRING OR RELATING TO the conception, reduction to
8 practice and development of the Picaso (aka Picasso) ASIC.

9 19. All DOCUMENTS REFERRING OR RELATING TO U.S. Provisional Patent
10 Application Serial No. 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed
11 September 28, 2006.

12 20. All DOCUMENTS REFERRING OR RELATING TO the conception, reduction to
13 practice and development of the invention described in U.S. Provisional Patent Application Serial
14 No. 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed September 28,
15 2006.

16 21. All DOCUMENTS REFERRING OR RELATING TO patent applications or
17 provisional patent applications claiming priority to U.S. Provisional Patent Application Serial No.
18 60/827,253 entitled "Universal ASIC for Doubling ATE Resources" filed September 28, 2006. All
19 COMMUNICATIONS between YOU and DANIEL.

20 22. All provisional patent applications filed with the United States Patent and
21 Trademark Office ("USPTO") after May 1, 2006 listing YOU as an inventor.

22 23. All COMMUNICATIONS between YOU and the USPTO REFERRING OR
23 RELATING TO provisional patent applications filed with the USPTO after May 1, 2006 listing
24 YOU as an inventor.

25 24. All DOCUMENTS YOU downloaded from ANY VERIGY computer
26 REFERRING OR RELATING to VERIGY'S operations and products.

27 //

28

1 25. All DOCUMENTS REFERRING OR RELATING to ANY of YOUR technology,
2 future technology, potential technology, or technology under development by YOU.

3
4 Dated: August 24, 2007

BERGESON, LLP

5
6 By: 

Melinda M. Morton
Attorneys for Plaintiff
VERIGY US, INC.

EXHIBIT C

Mindy Morton

From: Mindy Morton
Sent: Thursday, August 30, 2007 3:16 PM
To: 'Kevin M. Pasquinnelli'; Daniel S. Mount
Cc: John Fowler
Subject: Disclosure of Kris Haworth
Attachments: haworth kris Bio short.doc

As per 7.4(a) of the protective order I disclose use of the following expert. We agreed that you would let us know by Tuesday morning if you have any objections. If you could send me the estimated price for copies of the hard drives, we should be fine with your forensics expert making the copies as long as he or she makes encase physical images and as long as the estimated price is reasonable. If that isn't possible, please let me know as soon as possible and we will send someone from Kris' office to make the copies.

- (1) We plan to disclose to the expert the Highly Confidential information referred to in any electronic document production or mirror images.
- (2) Full name of Expert, city and state
 - a. Ms. Kris Haworth, works in San Francisco, California
- (3) Attached is her resume for your review.
- (4) Current employer: FTI Consulting, 100 Front Street, San Francisco, CA
- (5) Prior employers:
 - Deloitte & Touche 1999-2004
 - Navigant Consulting 2004-2006
 - LECG 2006-2007
 - FTI Consulting 2007 to present
- (6) Prior litigation involvement: Ms. Haworth has served as a testifying witness in the following cases:
 - Core Wealth Management v. Heller, Case No. 01157647, filed Feb. 24, 2005 in Santa Barbara Superior Court
 - Align v. Orthoclear, CGC 05-438361, filed Feb. 2, 2005 in San Francisco Superior Court
 - Comerica Bank v. Commercial Capital, CGC 05-443546, filed July 29, 2006 in San Francisco Superior Court
 - Advante International Corporation v. Mintel Learning Technology, Inc., Case No. 05-cv-01022, filed March 10, 2005 in the N.D. Cal.
 - World Courier v. Baron, Case No. 06-cv-03072, filed May 8, 2006 in the N.D. Cal.
 - Alliant Food Services v. Prime Meat, court and filing information unknown.

Mindy M. Morton, Esq.
 Bergeson, LLP
 303 Almaden Blvd.
 Suite 500
 San Jose, CA 95110-2712
 Main: 408 291-6200
 Direct: 408 291-6203
 Fax: 408 297-6000
 Email: mmorton@be-law.com

The information transmitted in this e-mail (including any attachments) is a private communication for the sole use of the above individual or entity and may contain privileged and/or confidential information that may be exempt from disclosure under law. If you are not an intended recipient, do not forward this email. Interception of this message may be a federal crime. Any unauthorized dissemination, distribution, or copy of this communication (including any attachments) is strictly prohibited. If this e-mail has been transmitted to you in error, please notify the person listed above immediately, and delete the original message (including any attachments).

IRS Circular 230 Disclosure: To ensure compliance with requirements posed by the IRS, we inform you that any U.S. federal tax advice in this communication (including attachments) is not intended or written by Bergeson, LLP to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter

9/18/2007

EXHIBIT D

EXHIBIT

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS EYES
ONLY**

EXHIBIT E

EXHIBIT

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS EYES
ONLY**

EXHIBIT F

EXHIBIT

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS EYES
ONLY**

EXHIBIT G

EXHIBIT

CONFIDENTIAL

FILED UNDER SEAL

EXHIBIT H

EXHIBIT

CONFIDENTIAL

FILED UNDER SEAL

EXHIBIT I

Mindy Morton

From: Kevin M. Pasquinelli [kpasquinelli@MOUNT.com]
Sent: Monday, October 01, 2007 11:23 PM
To: Donald P Gagliardi; Mindy Morton; John Fowler
Cc: Daniel S. Mount; Daniel H. Fingerman; Michelle McManus; Kevin M. Pasquinelli
Subject: Meet and Confer regading bit for bit copy of Mr. Mayder's disk drive
Attachments: Kevin M. Pasquinelli.vcf

Don,

Thank you for your call today regarding our impasse on discovery of the bit for bit copy of Mr. Mayder's disk drive. Mr. Mayder continues to feel that such a request is invasive and overly broad. Unfortunately, we both seem to feel that search terms alone cannot solve our issue due to privacy and privilege concerns.

You have mainly expressed a desire to obtain meta data. We have produced most documents with meta data explicitly attached to the production, such as the emails which state their creation, modification, time of receipt, etc. For the files where such is not included I would like to take this opportunity to reiterate my prior offer to check for metadata given a list of files. (e.g. if Verigy produces a list of files for which it would like meta data, we will take reasonable measures to obtain meta data information for those files)

Let me know if this can meet your needs, or if you have some alternate proposal.

Kevin

Kevin Pasquinelli, Esq.

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10/2/2007

EXHIBIT J

EXHIBIT

CONFIDENTIAL

FILED UNDER SEAL

EXHIBIT K

EXHIBIT

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS EYES
ONLY**

EXHIBIT L

EXHIBIT

**HIGHLY
CONFIDENTIAL**

**ATTORNEYS EYES
ONLY**